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2 **MARCIA L. MITCHELL, SBN 18122 (WA)**
3 **DAVID F. OFFEN-BROWN, SBN 063321 (CA)**
4 **U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**
5 **San Francisco District Office**
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10 **E-mail: david.offen-brown@eeoc.gov**

11 **Attorneys for Plaintiff EEOC**

12 **(Attorney recitals cont.)**

13 **UNITED STATES DISTRICT COURT**
14 **FOR THE DISTRICT OF NEVADA**

15 **EQUAL EMPLOYMENT**
16 **OPPORTUNITY COMMISSION,**

17 **Plaintiff,**

18 **v.**

19 **SIERRA RESTROOM**
20 **SOLUTIONS, LLC**

21 **Defendant**

22 **MICHAEL SCALES,**

23 **Plaintiff-in-Intervention,**

24 **v.**

25 **SIERRA RESTROOM**
26 **SOLUTIONS, LLC, MICHAEL**
27 **OPPIO, an individual, JEFF**
28 **PALMER, an individual,**

Defendants-in-Intervention

Case No. 3:09-cv-00537-RCJ-VPC

STIPULATION TO DISMISS

1 **JEFFREY A. DICKERSON, NSB 2690**
2 **9655 Gateway Dr., Suite B**
3 **Reno, NV 89521**
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6 **Attorney for Plaintiff-in-Intervention,**
7 **Michael Scales**

8 **TIMOTHY E. ROWE, NSB 1000**
9 **McDONALD CARANO WILSON LLP**
10 **100 West Liberty Street, 10th Floor**
11 **P.O. Box 2670**
12 **Telephone No.: (775) 788-2000**
13 **Fax No.: (775) 788-2020**

14 **Attorneys for Defendant and Defendants-in-Intervention,**
15 **Sierra Restroom Solutions and Michael Oppio**

16 **CARL M. HEBERT, NSB 250**
17 **202 California Avenue**
18 **Reno, NV 89509**
19 **Telephone No.: (775) 323-5556**
20 **Fax No.: (775) 323-5597**

21 **Attorney for Defendant-in-Intervention,**
22 **Jeff Palmer**

23 The parties to this action, through their counsel, agree that the above-captioned
24 action be and hereby is dismissed with prejudice pursuant to the attached settlement
25 agreement and Fed. R. Civ. P. 41(a)(1).
26

27 So agreed,

28 U. S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

Date: March 20, 2012

/s/
DAVID F. OFFEN-BROWN
Senior Trial Attorney

Attorneys for Plaintiff EEOC

JEFFREY A. DICKERSON

Date: February 29, 2012

/s/ (Authorized on 2/29/12)
Jeffrey A. Dickerson

Attorney for Plaintiff-in-Intervention Michael
Scales

MCDONALD CARANO WILSON LLP

Date: March 6, 2012

/s/ (Authorized on 3/6/12)
Timothy E. Rowe

Attorneys for Defendant Sierra Restroom
Solutions and for Defendant-in-Intervention
Michael Oppio

CARL M. HEBERT

Date: March 6, 2012

/s/ (Authorized on 3/6/12)
Carl M. Hebert

Attorney for Defendant-in-Intervention Jeff
Palmer

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11 **Attorneys for Plaintiff EEOC**

12 **(Attorney recitals cont.)**

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14 **FOR THE DISTRICT OF NEVADA**

15 **EQUAL EMPLOYMENT**
16 **OPPORTUNITY COMMISSION,**

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19 **SIERRA RESTROOM**
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25 **SIERRA RESTROOM**
26 **SOLUTIONS, LLC, MICHAEL**
27 **OPPIO, an individual, JEFF**
28 **PALMER, an individual,**

Defendants-in-Intervention

Case No. 3:09-cv-00537-RCJ-VPC

SETTLEMENT AGREEMENT

1 **JEFFREY A. DICKERSON, NSB 2690**
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15 **Sierra Restroom Solutions and Michael Oppio**

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21 **Attorney for Defendant-in-Intervention,**
22 **Jeff Palmer**

1 Plaintiff U.S. Equal Employment Opportunity Commission ("EEOC" or
2 "Commission"), Plaintiff-in-Intervention Michael Scales ("Scales"), Defendant and
3 Defendant-in-Intervention Sierra Restroom Solutions ("SRS"), Defendant-in-
4 Intervention Michael Oppio ("Oppio") and Defendant-in-Intervention Jeff Palmer
5 ("Palmer") (hereinafter collectively the "Parties") participated in the Early Neutral
6 Evaluation of the above-captioned matter on March 25, 2010, and reached a settlement.
7 This is the resultant settlement agreement.

8 Plaintiff U.S. Equal Employment Opportunity Commission ("Commission" or
9 "EEOC") brought this lawsuit under Title VII of the Civil Rights Act of 1964 and Title I
10 of the Civil Rights Act of 1991, to correct alleged unlawful employment practices on the
11 basis of racial harassment and to make whole Michael Scales, who was aggrieved by the
12 alleged unlawful practices, Plaintiff EEOC alleged that defendant Sierra Restroom
13 Solutions ("Defendant" or "the Company") unlawfully subjected Michael Scales to a
14 hostile work environment because of his race, Black.

15 In the interest of resolving this matter and as a result of having engaged in
16 comprehensive settlement negotiations, the Commission, Defendants, and Scales,
17 (hereinafter "Parties to the Agreement") have agreed that the above-captioned lawsuit
18 (the "Lawsuit") should be finally resolved by this Agreement ("Agreement"). This
19 Agreement shall not constitute an adjudication of or a finding on the merits of the
20 Lawsuit.

21 This Agreement constitutes a complete resolution between the Parties to the
22 Agreement of all claims that were made or could have been made by the Commission
23 on behalf of Michael Scales based upon his charge of discrimination, EEOC Charge No,
24 550-2007-01203. This Agreement does not, however, resolve any future charges or
25 charges that may be pending with the EEOC. This Agreement comprises the full and
26 exclusive agreement of the Parties to the Agreement with respect to the matters
27 discussed herein. No waiver, modification or amendment of any provision of this
28 Agreement shall be effective unless made and approved in writing by the Parties to the

1 Agreement. This Agreement is final and binding upon the Parties to the Agreement,
2 their successors and assigns. Each Party to the Agreement shall be responsible for its
3 own costs and attorneys' fees.

4 **MONETARY RELIEF**

5 SRS agrees to pay the sum of \$50,000.00 (Fifty Thousand Dollars and No Cents)
6 (the "Settlement Amount") to Michael Scales as damages for emotional distress. The
7 Settlement Amount constitutes non wage compensatory damages and will be reported on
8 IRS form 1099. No FICA, FUTA, or other withholdings shall be made from the
9 Settlement Amount.

10 Within ten (10) days after EEOC provides SRS's attorney with written notice the
11 Agreement has been signed by all parties, SRS shall pay the Settlement Amount, in the
12 form of a business check, cashier's check, or certified check, via certified mail to
13 Michael Scales's counsel Jeffrey A. Dickerson IOLTA Trust Account. At the time that
14 the Company sends the check to Michael Scales's counsel, it shall provide a copy of the
15 check to David F. Offen-Brown, Senior Trial Attorney, EEOC, 350 The Embarcadero,
16 Suite 500, San Francisco, CA 94105. Within thirty days after notice to the EEOC by
17 Plaintiff Michael Scales that the Settlement Amount has been paid, Plaintiff EEOC and
18 Plaintiff-in-Intervention will request dismissal with prejudice of this case.

19
20 So agreed,

21 U. S. EQUAL EMPLOYMENT
22 OPPORTUNITY COMMISSION

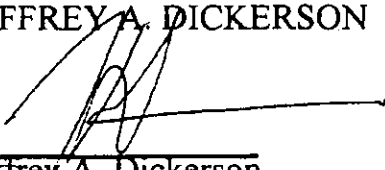
23 Date: 2/5/12

24 
25 **DAVID F. OFFEN-BROWN**
26 Senior Trial Attorney

27 Attorneys for Plaintiff EEOC
28

JEFFREY A. DICKERSON

Date: 2/2/12


Jeffrey A. Dickerson

Attorney for Plaintiff-in-Intervention Michael
Scales

McDONALD CARANO WILSON LLP

Date: 2/8/12


Timothy E. Rowe

Attorney for Defendant Sierra Restroom
Solutions and for Defendant-in-Intervention
Michael Oppio

CARL M. HEBERT

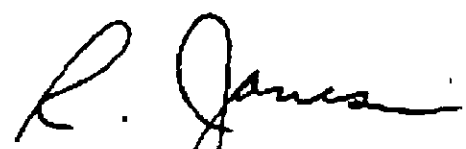
Date: 2/3/12


Carl M. Hebert

Attorneys for Defendant-in-Intervention Jeff
Palmer

ORDER

IT IS SO ORDERED.


Robert C. Jones
United States District Judge
Dated: May 11, 2012